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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
RYAN, PATRICK A	

ART UNIT	PAPER NUMBER
2427	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/675,489	KARAOGUZ ET AL.	
	Examiner	Art Unit	
	PATRICK A. RYAN	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in reply to Response Under 37 C.F.R. 1.111 ("Reply"), filed January 28, 2009. Applicant has amended Claims 1, 11, 21, and 26; no claims have been added; and no claims have been canceled. As amended, Claims 1-31 are presented for examination.

2. In Office Action of October 28, 2008 ("Office Action"):

3. Claims 1-31 were rejected under 35 U.S.C. 102(b) as being anticipated by Shoff et al., United States Patent (6,240,555 B1).

Response to Arguments

4. Applicant's arguments, See Reply Page 12-14, with respect to Claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al., United States Patent (6,240,555 B1), hereinafter "Shoff" in view of Marshall et al., United States Patent (6,735,487 B1), hereinafter "Marshall".

7. In reference to Claim 1, Shoff teaches a method for providing information related to a broadcast television program (flow charts of Figs. 6, 7, and 9, as introduced in Col. 8 Lines 56-61 and Col. 12 Lines 39-41), the method comprising:

generating an announcement, remotely from a user's home, (method of authoring an interactive entertainment program by a content developer, shown in Fig. 9 and described in Col. 12 Line 24—Col. 14 Line 41); worried

delivering said announcement along with the broadcast television program for display on a television screen within the home (supplemental content is carried to the viewer over the same channel as the program, as disclosed in Col. 7 Lines 51-60; with further reference to Step 182 of Fig. 7, as described in Col. 10 Lines 18-58 and Step 254 of Fig. 9, as described in Col. 12 Lines 39-47), wherein the announcement is displayed on the television screen without any input from the user (indication of interactive content is generated at Step 162 of Fig. 6, as described in Col. 9 Lines 30-40; with further reference to Icon 204 of Fig. 8a, as described in Col. 9 Lines 41-53); and

receiving an input from the user that corresponds to the delivered announcement (decision of viewer to enter interactive mode, as disclosed in Col. 9 Lines 54-59; with further reference to Step 164 of Fig. 6).

However, it is unclear within the disclosure of Shoff if said announcement is independent of media content that is being displayed on said television screen at the time of said announcement.

In a similar field of invention Marshall teaches a method and system for providing a user with promotions within an interactive wagering system (Abstract). Marshall teaches providing announcements to the viewer by way of a variety of indications such as a Pop-up Message 48 of Fig. 2, Message 94 of Fig. 6, and scrolling Promotion 114 of Fig. 8 (as described in Col. 18 Lines 23-61, Col. 21 Lines 53-64, and Col. 23 Lines 11-23). In particular, Marshall discloses that the presentation of announcements regarding interactive content can be independent from the subject matter of the program channel currently being displayed (as shown in Fig. 6 and described in Col. 3 Lines 20-31 and Col. 21 Lines 53-64).

Both Shoff and Marshall teach similar techniques of displaying an announcement regarding interactive functionality such as trivia questions, advertisements, and promotions. Shoff teaches presenting an announcement relating to supplemental content, but this announcement is only displayed when the program that is currently being displayed supports the interactive functionality. Marshall teaches a similar technique of displaying announcements and further demonstrates the presentation of an announcement regarding content that is not currently being displayed to the user. One of ordinary skill in the art at the time of the invention would have been motivated to combine the similar teachings of Shoff and Marshall so that announcements are

delivered to a wider selection of the audience, which could include viewers who are not currently watching the content, but may have an interest.

8. In reference to Claim 2, the combination of Shoff and Marshall teaches the method according to Claim 1, wherein the announcement comprises one or more of a service announcement, a media announcement, and/or a data announcement (Shoff: target resources for supplemental interactive content can be in the form of a media announcement, such as information related to the program current being viewed by the user, as disclosed in Col. 3 Lines 28-38, Col. 5 Lines 12-60).

9. In reference to Claim 3, the combination of Shoff and Marshall teaches the method according to Claim 1, comprising determining whether the received input one of accepts or rejects the delivered announcement (Shoff: Step 164 of Fig. 6 "Viewer Activate?", as described n Col. 9 Lines 41-59; with further reference to Fig. 8a).

10. In reference to Claim 4, the combination of Shoff and Marshall teaches the method according to Claim 3, comprising, if the received input selection accepts the delivered announcement (Shoff: YES at Step 164 of Fig. 6), transferring media associated with the delivered announcement for display on the television screen (Shoff: Steps 170-176 of Fig. 6 regarding the reception, activation, and extraction of information related to a target resource, as described in Col. 9 Line 66—Col. 10 Line 58).

11. In reference to Claim 5, the combination of Shoff and Marshall teaches the method according to Claim 4, comprising transferring the media concurrently with viewing of the broadcast television program (Shoff: video stream and supplemental content can be transmitted together, as described in Col. 10 Lines 18-33. In addition

Fig. 8c demonstrates Program 210 being displayed concurrently with supplemental content, as described in Col. 11 Line 3—Col. 12 Lines 23).

12. In reference to Claim 6, the combination of Shoff and Marshall teaches the method according to Claim 1, comprising if the received input comprises an acceptance of the delivered announcement (Shoff: YES at Step 164 of Fig. 6) and the delivered announcement comprises a service announcement, delivering service information related to the service announcement to the user within the home (Shoff: supplemental content can include a merchandise catalog listing merchandise related to the program, as described in Col. 11 Lines 39—Col. 12 Line 23; with further reference to Fig. 8c).

13. In reference to Claim 7, the combination of Shoff and Marshall teaches the method according to Claim 1, wherein the input is generated from one or more of a remote control, a keyboard, a scanning device, and/or an audio processing device (Shoff: Remote Control Unit 30, as described in Col. 4 Lines 22-34; with further reference to Col. 9 Lines 54-59 describing other input devices).

14. In reference to Claim 8, the combination of Shoff and Marshall teaches the method according to Claim 1, comprising generating supplemental information related to the announcement in response to the received input (Shoff: in response to YES at Step 164 of Fig. 6, supplemental content is generated at Steps 170-178 of Figs. 6 and 7, as described in Col. 10 Lines 1-43)

15. In reference to Claim 9, the combination of Shoff and Marshall teaches the method according to Claim 8 comprising presenting the supplemental information to the

user (Shoff: Step 180-186 of Fig. 7, as described in Col. 10 Line 44--Col. 11 Line 65; with further reference to Figs. 8b and 8c).

16. In reference to Claim 10, the combination of Shoff and Marshall teaches the method according to Claim 8, comprising presenting on the television screen, the supplemental information to the user concurrently with the broadcast television program (Shoff: Fig. 8c demonstrates Program 210 being displayed concurrently with supplemental content, as described in Col. 11 Line 3—Col. 12 Lines 23).

17. In reference to Claim 11, Shoff teaches a machine-readable storage having stored thereon, a computer program having at least one coded section for providing information related to a broadcast television program (Program Memory 96 of Computing Unit 90, shown in Fig. 5 and described in Col. 8 Lines 4-55), the at least one coded section being executable by a machine (applications 101, 102, 104, and 106 of Fig. 5, as described in Col. 8 Lines 4-55) for causing the machine to perform the method of Claim 1 (as addressed above).

18. The limitations of Claim 12 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 2.

19. The limitations of Claim 13 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 3.

20. The limitations of Claim 14 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 4.

21. The limitations of Claim 15 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 5.

22. The limitations of Claim 16 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 6.

23. The limitations of Claim 17 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 7.

24. The limitations of Claim 18 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 8.

25. The limitations of Claim 19 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 9.

26. The limitations of Claim 20 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 10.

27. In reference to Claim 21, Shoff teaches a system for providing information related to a broadcast television program (as shown in Figs. 2 and 4, and described in Col. 4 Line 14—Col. 5 Line 60 and Col. 7 Line 51—Col. 8 Line 3), the system comprising: at least one processor (Processor 92 of Computing Unit 90, as shown in Fig. 5 and described in Col. 8 Lines 4-55; with further reference to the operations of Headend 22, as described in Col. 4 Line 42—Col. 5 Line 60 and ISP 80, as described in Col. 7 Lines 36-50) that performs the method of Claim 1 (as addressed above).

28. The limitations of Claim 22 have been addressed with reference to the system of Claim 21 and the method of Claim 2.

29. The limitations of Claim 23 have been addressed with reference to the system of Claim 21 and the method of Claim 3.

30. The limitations of Claim 24 have been addressed with reference to the system of Claim 21 and the method of Claim 4.

31. The limitations of Claim 25 have been addressed with reference to the system of Claim 21 and the method of Claim 5.

32. The limitations of Claim 26 have been addressed with reference to the system of Claim 21 and the method of Claim 6.

33. The limitations of Claim 27 have been addressed with reference to the system of Claim 21 and the method of Claim 7.

34. The limitations of Claim 28 have been addressed with reference to the system of Claim 21 and the method of Claim 8.

35. The limitations of Claim 29 have been addressed with reference to the system of Claim 21 and the method of Claim 9.

36. The limitations of Claim 30 have been addressed with reference to the system of Claim 21 and the method of Claim 10.

37. In reference to Claim 31, the combination of Shoff and Marshall teaches the system according to Claim 21, wherein the at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, media exchange software processor, and/or a media peripheral processor (Shoff: Processor 92 functions as a media system processor, as described in Col. 5 Lines 4-55).

Conclusion

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Monday, May 04, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427